

## CITY OF PALM DESERT



**PALM DESERT CITY COUNCIL (CC),  
SUCCESSOR AGENCY TO THE PALM DESERT REDEVELOPMENT AGENCY (SA),  
AND HOUSING AUTHORITY (HA) MEETING  
(HYBRID MEETING)**

**73-510 FRED WARING DRIVE  
PALM DESERT, CA 92260**

**REGULAR MEETING AGENDA  
Thursday, November 17, 2022**

**2:00 p.m. Study Session  
2:30 p.m. Closed Session  
4:00 p.m. Regular Session**

Pursuant to Assembly Bill 361, this meeting may be conducted by teleconference. There will be in-person access to the meeting location.

**WATCH THE MEETING LIVE:** Watch the City Council meeting live at the City's website [www.cityofpalmdesert.org](http://www.cityofpalmdesert.org), under the "Council Agenda" link at the top of the homepage, or on the City's [YouTube Channel](#).

**OPTIONS FOR PARTICIPATING IN THIS MEETING:** Attend the meeting in our Council Chamber at the Palm Desert Civic Center, 73-510 Fred Waring Drive, Palm Desert, CA 92260. To participate by email, internet, or phone, please see the detailed instructions on the last page of this agenda.

**AGENDA**

City Council, Successor Agency to the Palm Desert  
Redevelopment Agency, and Housing Authority Meeting

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Thursday, November 17, 2022

**CLOSED SESSION: 2:30 P.M.****CALL TO ORDER**

**PUBLIC COMMENT FOR CLOSED SESSION ITEMS ONLY:** This time has been set aside for members of the public to address the City Council on items contained only on the Closed Session Agenda within the three-minute time limit. Speakers may attend in person or utilize one of the three options listed on the last page of this agenda.

**RECESS TO CLOSED SESSION****CLOSED SESSION AGENDA****A. Closed Session Meeting Minutes: October 27, 2022****B. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:**

1. Property Description: Viridian, 18.73-acre site, located on Desert Willow Drive, northwest of Market Place (APNs 620-450-012, 013, 014)  
Agency: Successor Agency  
City Negotiator: Todd Hileman/Eric Ceja  
Negotiating Parties: Family Development Group, Inc.  
Under Negotiation: Price and Terms
2. Property Description: 73-710 Fred Waring Drive, Suites 100, 103, 106, 108, 116, 120, 201, 203, 208, 211 and 217, 220 and 73-720 Fred Waring Drive, Suite 100  
Agency: City of Palm Desert  
City Negotiator: Todd Hileman/Chris Escobedo/Eric Ceja  
Negotiating Parties: Lift to Rise/Paul Golden Construction/Advantech/Act for MS/Virginia Waring International Piano Competition/State of California Department of Food and Agriculture/State of California Water Resources Board  
Under Negotiation: Price and Terms
3. Property Description: 72-880 Highway 111, Palm Desert (APN 640-120-020)  
Agency: City of Palm Desert  
City Negotiator: Todd Hileman/Martin Alvarez/Eric Ceja  
Negotiating Parties: Seritage SRC Finance  
Under Negotiation: Price and Terms

**C. Conference with Legal Counsel regarding Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2):**

Four (4) matters that, under the existing circumstances, the City Attorney believes create significant exposure to litigation.

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Thursday, November 17, 2022

**4:00 P.M. REGULAR MEETING****ROLL CALL**

**PLEDGE OF ALLEGIANCE:** Councilmember Quintanilla

**INSPIRATION/INVOCATION:** Mayor Pro Tem Jonathan

**REPORT OF CLOSED SESSION:** City Attorney Hargreaves

**AWARDS, PRESENTATIONS, AND APPOINTMENTS:**

A. PROCLAMATION – ROSIE CASALS

B. PROCLAMATION – BUFORD CRITES

C. PROCLAMATION – BOARDS, COMMITTEES AND COMMISSIONS RECOGNITION

D. PROCLAMATION – EL PASEO JEWELERS

E. PRESENTATION – ANGEL FORCE USA

F. PRESENTATION – CALIFORNIA DEPARTMENT OF INSURANCE

G. OUTGOING COMMENTS FROM MAYOR PRO TEM JONATHAN

**CITY MANAGER COMMENTS****MAYOR/COUNCILMEMBER REPORTS AND REQUESTS FOR ACTION**

**NON--AGENDA PUBLIC COMMENTS:** This time has been set aside for the public to address the City Council on issues that are not on the agenda for up to three minutes. Speakers may attend in person or utilize one of the three options listed on the last page of the agenda. Because the Brown Act does not allow the City Council to act on items not listed on the agenda, members may briefly respond or refer the matter to staff for a report and recommendation at a future meeting.

1. **CONSENT CALENDAR:** All matters listed on the Consent Calendar are considered routine and may be approved by one motion. The public may comment on any items on the Consent Agenda within the three-minute time limit. Individual items may be removed by the City Council for a separate discussion.

**A. APPROVAL OF FINDINGS RELATIVE TO AB361 – REMOTE TELECONFERENCING**

RECOMMENDATION: Find that the State of California continues in a Governor-declared state of emergency to combat the COVID epidemic, that state and local health officials are recommending social distancing, and that the City may continue to employ remote teleconferencing.

**B. APPROVAL OF CITY COUNCIL, SUCCESSOR AGENCY, AND HOUSING AUTHORITY MINUTES**

RECOMMENDATION: Approve the Minutes of October 27, 2022.

**C. APPROVAL OF WARRANTS**

RECOMMENDATION: Approve warrants issued for the period of September 7 through November 4, 2022.

**D. RATIFY THE CITY MANAGER'S EXECUTION OF CONTRACT NO. A43960 WITH HORIZON LIGHTING, INC., FOR ELECTRICAL AND LIGHT SERVICES AT FIRE FACILITIES IN AN AMOUNT NOT TO EXCEED \$50,000 PER FISCAL YEAR**

RECOMMENDATION: Ratify the City Manager's execution of Contract No. A43960 with Horizon Lighting, Inc., in an amount not to exceed \$50,000 per year.

**E. ADOPT RESOLUTIONS TO UPDATE AUTHORIZED SIGNERS FOR THE LOCAL AGENCY INVESTMENT FUND AND THE RIVERSIDE COUNTY TREASURER'S POOLED INVESTMENT FUND (Joint Consideration with Successor Agency to the Palm Desert Redevelopment Agency and Palm Desert Housing Authority)**

RECOMMENDATION:

1. Adopt a Resolution (City) entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AUTHORIZING THE INVESTMENT OF MONIES IN THE RIVERSIDE COUNTY TREASURER'S POOLED INVESTMENT FUND AND IN THE LOCAL AGENCY INVESTMENT FUND AND RESCINDING RESOLUTIONS NO. 2022-03 AND 2022-18".
2. Adopt a Resolution (SARDA) entitled, "A RESOLUTION OF THE SUCCESSOR AGENCY TO THE PALM DESERT REDEVELOPMENT AGENCY AUTHORIZING THE INVESTMENT OF MONIES IN THE RIVERSIDE COUNTY TREASURER'S POOLED INVESTMENT AND IN THE LOCAL AGENCY INVESTMENT FUND AND RESCINDING RESOLUTION NUMBERS SARDA-091 AND SARDA -093".
3. Adopt a Resolution (HA) entitled, "A RESOLUTION OF THE PALM DESERT HOUSING AUTHORITY AUTHORIZING THE INVESTMENT OF MONIES IN THE RIVERSIDE COUNTY TREASURER'S POOLED INVESTMENT FUND AND RESCINDING RESOLUTION NO. HA-105".

**F. APPROVE THE LIST OF SOCIAL MEDIA COMMEMORATIONS PLANNED FOR 2023**

RECOMMENDATION: Approve the list of social media commemorations planned for 2023.

**G. ADOPT RESOLUTION ACKNOWLEDGING RECEIPT OF THE ANNUAL REPORT MADE BY THE FIRE CHIEF OF THE RIVERSIDE COUNTY FIRE DEPARTMENT TO FULFILL THE REQUIREMENTS OF SECTIONS 13146.2 AND 13146.3 OF THE CALIFORNIA HEALTH AND SAFETY CODE**

RECOMMENDATION: Adopt a Resolution acknowledging receipt of the annual report made by the Fire Chief of the Riverside County Fire Department to fulfill the requirements of Sections 13146.2 and 13146.3 of the California Health and Safety Code.

**H. APPROVE A COOPERATIVE AGREEMENT WITH THE CITIES OF LA QUINTA AND INDIAN WELLS FOR THE OPERATION AND MAINTENANCE OF SHARED TRAFFIC SIGNALS AND SAFETY LIGHTING**

RECOMMENDATION:

1. Approve a Cooperative Agreement with the cities of La Quinta and Indian Wells for the operation and maintenance of shared traffic signals and safety lighting.
2. Authorize the City Manager to finalize and execute the agreement.

**I. ADOPT RESOLUTION TO AUTHORIZE THE DESTRUCTION OF OBSOLETE RECORDS FROM THE BUILDING & SAFETY DIVISION**

RECOMMENDATION: Adopt a Resolution authorizing the destruction of obsolete records from the Building & Safety Division pursuant to the California Government Code Section 34090.

**J. APPROVE SEVEN (7) MILLS ACT CONTRACTS FOR SANDPIPER CIRCLE CONDOMINIUMS LOCATED ON EL PASEO**

RECOMMENDATION: Approve seven (7) Mills Act Contracts for Sandpiper Circle Condominiums located on El Paseo in accordance with Section 29.70.030 of the Palm Desert Municipal Code:

1. Circle 1: 121 Sandpiper Street – APN 640-240-014
2. Circle 2: 231 Sandpiper Street – APN 640-250-018
3. Circle 2: 242 Sandpiper Street – APN 640-250-011
4. Circle 3: 341 Sandpiper Street – APN 640-260-005
5. Circle 3: 352 Sandpiper Street – APN 640-260-003
6. Circle 3: 361 Sandpiper Street – APN 640-260-008
7. Circle 3: 363 Sandpiper Street – APN 640-260-007

**K. ADOPT A RESOLUTION ESTABLISHING A WIND FENCE POLICY**

RECOMMENDATION: Adopt a Resolution establishing a wind fence policy.

**L. DECLARATION OF SURPLUS PROPERTY AND AUTHORIZE DISPOSAL**

RECOMMENDATION: Declare the items identified as surplus property and authorize disposal as appropriate.

**M. APPROVE THE EXPANSION OF THE UNITE PALM DESERT SECURITY CAMERA SYSTEM GRANT PROGRAM TO ALLOW BUSINESSES AND COMMERCIAL PROPERTY OWNERS TO BE REIMBURSED FOR SECURITY CAMERA SYSTEMS PURCHASED AND INSTALLED WITHOUT PRIOR APPROVAL FROM THE CITY**

RECOMMENDATION: Approve the expansion of the Unite Palm Desert Security Camera System Grant program to allow businesses and commercial property owners to be reimbursed for security camera systems purchased and installed without prior approval from the City.

**CONSENT ITEMS HELD OVER:** Items removed from the Consent Calendar for separate discussion are considered at this time.

**2. ACTION CALENDAR:** The public may comment on individual Action Items within the three-minute time limit. Speakers may utilize one of the three options listed on the last page of the agenda.

**A. AWARD A FIVE-YEAR CONTRACT TO THE CHRISTMAS KINGS FOR SEASONAL LIGHTING AND DECOR IN AN AMOUNT NOT TO EXCEED \$370,000 (PROJECT NO. 775-24)**

RECOMMENDATION:

1. Award a five-year contract in an amount not to exceed \$370,000, with an option for three (3) one-year extensions not to exceed \$100,000 per fiscal year to The Christmas Kings, dba Southern California Lighting, Inc., for seasonal lighting and décor.
2. Authorize allowable extra work and services in an amount not to exceed \$10,000 per fiscal year.
3. Authorize the City Manager to execute said agreement.
4. Authorize the City Manager or designee to review and execute one-year extensions/amendments and change orders for unanticipated conditions per Section 3.30.170, Section A, of Ordinance No. 1335.

**B. INTRODUCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AMENDING SPECIFIED CHAPTERS OF THE PALM DESERT MUNICIPAL CODE TO ADOPT THE 2022 EDITIONS OF THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, AND RELATED CODES WITH SELECTED APPENDICES AND AMENDMENTS (FIRST READING)**

RECOMMENDATION: Waive further reading and pass to second reading and public hearing an ordinance to amend specified chapters of the Palm Desert Municipal Code to adopt the 2022 editions of the California Code of Regulations, Title 24, and related codes with selected appendices and amendments.

**C. APPROVAL OF THE ELECTRONIC OPTION OR SHORT-TERM RENTAL TRANSIENT OCCUPANCY TAXES**

RECOMMENDATION: Approve the option of electronic payments allowing the convenience fee to be charged by a third party.

**D. APPROVE A HOUSING AGREEMENT BY AND BETWEEN THE CITY OF PALM DESERT AND PALM DESERT PACIFIC ASSOCIATES. LP, FOR THE VITALIA APARTMENT PROJECT LOCATED OFF GERALD FORD DRIVE, PALM DESERT**

**RECOMMENDATION:**

1. Approve a Housing Agreement, substantially as to form, by and between the City of Palm Desert Pacific Associates, LP in accordance with the conditions of approval of the development of 269 units known as Vitalia Apartments, a multifamily rental housing project located at located off Gerald Ford Drive, Palm Desert, California.
2. Authorize the City Manager or his designee with consent of legal counsel to finalize such Housing Agreement and documents as described in the Housing Agreement, or which are otherwise required, to effectuate Housing Agreement.
3. Authorize the Mayor and/or City Manager to execute all necessary documents to facilitate the Housing Agreement and the City Clerk to record.

**E. ADOPT A RESOLUTION OF THE BOARD OF THE PALM DESERT HOUSING AUTHORITY (I) AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE AUTHORITY AND PALM DESERT PACIFIC ASSOCIATES APPROVING A LOAN IN THE AMOUNT OF \$6,030,000 FROM THE AUTHORITY'S LOW AND MODERATE INCOME HOUSING ASSET FUND TO FUND THE PURCHASE BY PALM DESERT PACIFIC ASSOCIATES OF A PROPERTY AND CONSTRUCTION OF 269 MULTIFAMILY HOUSING UNITS; AND (II) TAKING RELATED ACTIONS (HOUSING AUTHORITY)**

**RECOMMENDATION:** Adopt a Housing Authority Resolution:

1. Authorizing the execution and delivery of a Loan Agreement, in substantial form, between the Palm Desert Housing Authority and Palm Desert Pacific Associates approving a loan in the amount of \$6,030,000 from the Authority's Low and Moderate Income Housing Asset Fund to fund the purchase by Palm Desert Pacific Associates of a property and construction of 269 multi-family units consisting of 266 affordable housing units and three (3) on-site property manager units.
2. Authorize the Chairman or Executive Director, in consultation with legal counsel, to execute and deliver, for and in the name of the Authority, the Loan Agreement and documents presented to the Authority Board at this meeting, as modified, provided such modifications are materially consistent with the terms set forth in the Loan Agreement.
3. Authorize the Chairman, the Executive Director, or their respective designees, in consultation with legal counsel, to execute and deliver, for and in the name of the Authority, all other necessary or proper documents and instruments, and to do all things which they may deem necessary or proper to effectuate the purposes of the Resolution.

**F. APPROVE A SECOND AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PALM DESERT AND DESERT WAVE VENTURES, LLC, AND TAKING CERTAIN OTHER NECESSARY RELATED ACTIONS****RECOMMENDATION:**

1. Approve the Second Amendment to the Disposition, and Development Agreement between the City of Palm Desert and Desert Wave Ventures, LLC.
2. Approve a Transient Occupancy Tax agreement as-to-form with Desert Wave Ventures, LLC, in an amount not to exceed \$20M for the operation of a 137-room upscale hotel on parcel B within the Desert Willow Golf Resort.
3. Approve a Loan Agreement as-to-form with Desert Wave Ventures, LLC, and appropriate funds to cover certain developer impact fees in an amount not to exceed \$6M from monies available in the Golf Course Capital Fund.
4. Authorize the City Manager to make non-substantive changes to the DDA, TOT, and Loan Agreement as needed prior to execution by the Mayor.
5. Authorize the City Manager to draft, negotiate, and execute all other supporting agreements that may be required by the DDA, including an Acquisition Agreement as to form.
6. Authorize the Mayor to execute said agreements.

**G. ADOPT A RESOLUTION APPROVING AN EXTENSION TO THE REAL ESTATE OPTION AND PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS BETWEEN THE SUCCESSOR AGENCY TO THE PALM DESERT REDEVELOPMENT AGENCY AND DESERT WAVE VENTURES, LLC, FOR DESERT WILLOW PAD "B" (14.65 ACRES, APN 620-420-023) (SUCCESSOR AGENCY)****RECOMMENDATION:**

1. Adopt a Resolution approving a Second Amendment to the Real Estate Option and Purchase and Sale Agreement and Joint Escrow Instructions between the Successor Agency to the Palm Desert Redevelopment Agency and Desert Wave Ventures for Desert Willow Lot Pad "B" (14.65 acres, APN 620-420-023), providing for a final extension through December 31, 2022.
2. Retroactively authorize staff to submit a Resolution and additional materials relating to the PSA to the Riverside County Countywide Oversight Board for approval of the extension at its November 17, 2022, meeting.



3. **PUBLIC HEARINGS**: The public may comment on individual Public Hearing Items within the three-minute time limit. The applicant or appellant will be provided up to five minutes to make their presentation. Speakers may utilize one of the three options listed on the last page of this agenda.

**A. CONSIDERATION TO ADOPT A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND APPROVAL OF THE REFUGE SPECIFIC PLAN AND TENTATIVE TRACT MAP 38434 TO ESTABLISH UP TO 969 RESIDENTIAL DWELLING UNITS, AND RELATED IMPROVEMENTS ON A 106.4-ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF GERALD FORD DRIVE AND THE EXTENSION OF REMBRANDT PARKWAY**

RECOMMENDATION:

1. Conduct the public hearing and receive public testimony.
2. Adopt a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring Reporting Program and approval of the Refuge Specific Plan (SP22-0001) to development up to 969 dwelling units on a 106.4-acre site area located at the southwest corner of Gerald Ford Drive and Rembrandt Parkway
3. Adopt a Resolution approving Tentative Tract Map 38434 subdividing a 93.56-acre portion of the Refuge Specific Plan project site.

**B. ADOPT A RESOLUTION FOR A HISTORIC LANDMARK DESIGNATION FOR THE CHARLES E. DU BOIS HOUSE LOCATED AT 72806 BURSERAY WAY (APN 628-102-012) CASE NO. CRPC 22-03**

RECOMMENDATION:

1. Conduct the public hearing and receive public testimony.
2. Waive further reading and adopt a Resolution reaffirming the action of the Cultural Resources Preservation Committee, designating the Charles E. Du Bois house located at 72806 Bursera Way with a Historic Landmark Designation in accordance with Section 29.40.010 of the Palm Desert Municipal Code.

4. **INFORMATION ITEMS**

None.

**ADJOURNMENT**

## AGENDA

City Council, Successor Agency to the Palm Desert  
Redevelopment Agency, and Housing Authority Meeting

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Thursday, November 17, 2022

### THREE OPTIONS FOR PARTICIPATING IN THE MEETING

#### OPTION 1: PARTICIPATE BY E-MAIL

Send your comments by email to: [CouncilMeetingComments@cityofpalmdesert.org](mailto:CouncilMeetingComments@cityofpalmdesert.org).

E-mails received prior to noon on the day of the City Council meeting will be made part of the record and distributed to the City Council. This method is encouraged because it will give Councilmembers the opportunity to reflect upon your input. Emails will not be read aloud at the meeting.

#### OPTION 2: PARTICIPATE LIVE VIA ZOOM

1. Access via [www.cityofpalmdesert.org/zoom](http://www.cityofpalmdesert.org/zoom) and click "Launch Meeting," or
2. Access [www.zoom.us](http://www.zoom.us), click "Join Meeting" and enter Webinar ID 833 6744 9572.

#### OPTION 3: PARTICIPATE LIVE VIA TELEPHONE

1. Dial any of the following: (669) 900-9128 or (213) 338-8477 or (669) 219-2599.
2. Enter the Meeting ID: 833 6744 9572 followed by #.
3. Indicate that you are a participant by pressing # to continue.
4. You will hear audio of the meeting in progress. Remain on the line if the meeting has not started.
5. During the meeting, press \*9 to add yourself to the queue and wait for the Mayor or City Clerk to announce your name/phone number. Press \*6 to unmute your line and limit your comments to three minutes.

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### PUBLIC NOTICES

**Agenda Related Materials:** Pursuant to Government Code §54957.5(b)(2) the designated office for inspection of records in connection with this meeting is the Office of the City Clerk, Palm Desert Civic Center, 73-510 Fred Waring Drive, Palm Desert. Staff reports for all agenda items considered in open session, and documents provided to a majority of the legislative bodies are available for public inspection at City Hall and on the City's website at [www.cityofpalmdesert.org](http://www.cityofpalmdesert.org) by clicking "Council Agenda" at the top of the page.

**Americans with Disabilities Act:** It is the intention of the City of Palm Desert to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, or in meetings on a regular basis, you will need special assistance beyond what is normally provided, the city will attempt to accommodate you in every reasonable manner. Please contact the Office of the City Clerk, (760) 323-8204, at least 48 hours prior to the meeting to inform us of your needs and to determine if accommodation is feasible.

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### AFFIDAVIT OF POSTING

I, Niamh M. Ortega, Deputy City Clerk of the City of Palm Desert, do hereby certify, under penalty of perjury under the laws of the State of California, that the foregoing agenda for the Palm Desert City Council, Successor Agency for the Palm Desert Redevelopment Agency, and Housing Authority, was posted on the City Hall bulletin board and City website [www.palmdesert.org](http://www.palmdesert.org) no less than 72 hours prior to the meeting.

/S/ Niamh M. Ortega  
Deputy City Clerk